



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 E. CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

June 23, 2023

**NOTICE OF ENTRY OF ORDER AND NOTICE OF HEARING**

TO: John M. Hines, Attorney for McCook Lake Recreation Area Association  
Crary Huff Law Firm  
PO Box 27  
Sioux City IA 51102

Dakota Bay c/o Michael Chicoine  
32926 482<sup>nd</sup> Avenue  
Jefferson SD 57038

Ann Mines Bailey, Assistant Attorney General  
1302 East Highway 14, Suite 1 Pierre SD 57501-8501

David McVey, Assistant Attorney General  
1302 East Highway 14, Suite 1  
Pierre SD 57501-8501

FROM: Ron Duvall, Engineer III  
SD DANR, Water Rights Program

SUBJECT: Order Granting the Chief Engineer's Motion for Continuance and Placing Request for a Special Meeting on the July 12, 2023 Water Management Board Agenda

Enclosed is an Order granting the Motion to continue the matter of McCook Lake Recreation Area Association's petition for declaratory ruling and to place on the Water Management Board's July meeting agenda a request to schedule a special Board meeting.

The McCook Lake Recreation Area Association's petition for declaratory ruling had been scheduled for consideration on July 12, 2023. Due to the granting of the Order, the hearing scheduled for July 12 will NOT be held and will be rescheduled for hearing at a later date. The Board will consider the request to schedule a special Board meeting at 10:00 AM (Central Time) on July 12, 2023, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD to set the date for the special meeting to consider Water Permit Application No. 8744-3, Dakota Bay, and the Petition for Declaratory Ruling. Information to connect to the meeting remotely will be made available on the SD Boards and Commissions portal.

Pursuant to South Dakota Codified Law 46-2-24, the decision of the prehearing chairman may be appealed to the Water Management Board. Any appeal of the decision shall be filed with the prehearing chairman within ten days of the date of the prehearing chairman's ruling. To file an appeal, mail to:

Prehearing Chairman Rodney Freeman  
SD DANR Water Management Board  
523 E Capitol Ave  
Pierre SD 57501

Notices, orders, and other pleadings filed in the matter of McCook Lake Recreation Area Association's petition for declaratory ruling are posted on DANR's contested case page at <https://danr.sd.gov/public/ContestedCase.aspx>.

STATE OF SOUTH DAKOTA  
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES  
WATER MANAGEMENT BOARD

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IN THE MATTER OF MCCOOK LAKE	)	ORDER GRANTING THE CHIEF
RECREATION AREA ASSOCIATION'S	)	ENGINEER'S MOTION FOR
PETITION FOR DECLARATORY	)	CONTINUANCE AND PLACING THE
RULING REGARDING	)	REQUEST FOR A SPECIAL
APPROPRIATIVE PERMITS AND	)	MEETING ON THE JULY AGENDA
SHORELINE ALTERATIONS	)	

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Pending before the Prehearing Chairman is the motion for continuance by the Chief Engineer and the Water Rights Program in the above-entitled matter. Because the petition for declaratory ruling necessarily involves a ruling on Water Permit Application No. 8744-3 and for the reasons set forth in the motion for continuance, it is hereby

ORDERED that the motion for continuance is granted.

IT IS FURTHER ORDERED that the request for a special meeting shall be placed on the Water Management Board's July meeting agenda for disposition.

Dated this 22<sup>nd</sup> day of June, 2023



Rodney Freeman, Prehearing Chairman

## CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Entry of Order and Notice of Hearing dated June 23, 2023, and an Order dated June 22, 2023, continuing the matter of McCook Lake Recreation Area Association's petition for declaratory ruling and placing a request for a special Water Management Board Meeting on the Board's July 12, 2023 agenda, was served upon the following by enclosing the same in envelopes with first class postage prepaid and affixed thereto, and depositing said envelopes in the United States mail on June 23, 2023.

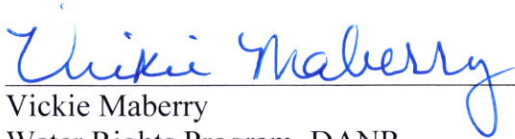
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### Above sent inter-office to:

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Vickie Maberry

Water Rights Program, DANR

STATE OF SOUTH DAKOTA     )  
  ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 23 day of June, 2023.

  
Rachel Rodriguez  
Notary Public  
My Commission expires May 16, 2029

